

**COMPLAINT INVESTIGATION SUMMARY**

**COMPLAINT NUMBER:** 1507.00A  
**COMPLAINT INVESTIGATOR:** Steve Starbuck  
**DATE OF COMPLAINT:** January 3, 2000  
**DATE OF REPORT:** February 1, 2000  
**REQUEST FOR RECONSIDERATION:** no  
**DATE OF CLOSURE:** March 1, 2000

**COMPLAINT ISSUES:**

Whether the School City of Hammond violated:

511 IAC 7-12-1 with regard to the School's failure to implement Student A's individualized education program (IEP) as written, specifically:

1. failing to seek state funding for alternative services as agreed by the case conference committee (CCC); and
2. failing to provide alternative services as agreed by the CCC.

**FINDINGS OF FACT:**

1. The Student is eleven years old and is eligible for special education as a student with an emotional handicap.
2. At a CCC meeting convened on June 9, 1999, it was determined that the least restrictive environment for the Student would be a day treatment program once he was discharged from the out-of-state placement. It was recommended that the Student begin alternative schooling at the local school until funding for day treatment could be secured. CCC notes state that a CCC meeting would be reconvened to start the paperwork for funding of the day treatment program. There is a notation that the next case review should tentatively be scheduled for September 16, 1999. The Student returned home from an out-of-state residential placement on October 27, 1999. The next CCC meeting was not convened until November 3, 1999, when it was determined that an application to the Division for funding of a day treatment program would be written immediately. On November 4, 1999, the Student began school in an alternative program pending placement in a day treatment program. An application for alternative services was not received by the Division until December 15, 1999, which was six weeks after the November 3, 1999, CCC meeting. On January 5, 2000, a multi-agency review meeting was held with the Division at which time State funding for day treatment programming and home-based services was approved.
3. At a CCC meeting convened on December 9, 1999, it was determined that the Student required home-based services. These services were initiated on December 15, 1999. Funding for the services were paid by the School through January 4, 2000, until State funding was approved on January 5, 2000.
4. The Student began receiving day treatment service on July 6, 1999.

**CONCLUSIONS:**

1. Finding of Fact #2 indicates that at a CCC meeting convened on November 3, 1999, it was recommended that an application for day treatment funding be completed immediately, however, an application was not received by the Division until December 15, 1999. Therefore, a violation of 511 IAC 7-12-1 is found.
2. Finding of Facts #2, #3, and #4 reflect that, although the School did provide home-based services timely, day treatment was not provided as specified in the IEP dated November 3, 1999. Therefore, a violation of 511 IAC 7-12-1 is found.

**The Department of Education, Division of Special Education, requires the following corrective action based on the Findings of Fact and Conclusions listed above.**

**CORRECTIVE ACTION:**

The School City of Hammond shall:

1. In-service all appropriate staff on the proper procedures for making timely applications to request State funding for alternative or residential services as specified in 511 IAC 7-12-5. Submit written documentation that this has been completed, including a list of all topics discussed, and a list of all attendees by name and title to the Division no later than Friday, February 25, 2000. Documentation should include that appropriate staff have been advised that the School does not have to wait until a student has been discharged from a residential placement to submit an application to the Division for alternative or residential services.